

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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)  
) No. 03 MDL 1570 (RCC)  
) ECF Case  
)

This document relates to:

BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-5738;

BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-9849;

CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-CV-05970;

EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07279;

FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978;

NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-6105; and

WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**MOHAMED ALI MUSHAYT'S  
AND THE MUSHAYT FOR TRADING ESTABLISHMENT'S  
RESPONSE TO PLAINTIFFS' CONSOLIDATED COMPLAINTS**

Defendants Mohamed Ali Mushayt and the Mushayt for Trading Establishment, by and through undersigned counsel, respectfully submit their response to the plaintiffs' "consolidated" complaints. Defendants' motions to dismiss the *Burnett I*, *Burnett II*, *Continental Casualty*, *Euro Brokers*, *Federal Insurance*, *New York Marine*, and *WTC Properties* complaints are fully briefed.

Subsequently, on September 30, 2005, these plaintiffs filed their "consolidated" complaints, which merely consisted of their complaints supplemented by a total of 132 RICO Statements and Rule 12(e) More Definite Statements. However, none of these supplemental filings has any new allegations about these two defendants that have not already been addressed

in their motions to dismiss. Therefore, Mr. Mushayt and the Mushayt for Trading Establishment request that this Court consider their fully briefed motions to dismiss in *Burnett I*, No. 97 (April 9, 2004) and No. 361 (July 30, 2004), and in the remaining cases, Nos. 1201-1203 (Sept. 6, 2005) and No. 1311 (Sept. 27, 2005), as their response to the plaintiffs' "consolidated" complaints.

Respectfully submitted,

/s/ Lynne Bernabei

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DATED: October 18, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2005, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

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Alan R. Kabat